IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.59848-M of 2004
Date of Decision:- 23.04.2007

Harjinder Singh Sahni ....Petitioner(s)

through
Mr.R.K.Trikha, Advocate

vs.

Satnam Singh ....Respondent(s)

through
Ms.Pooja Chopra, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is for quashing of criminal complaint No.534/1 dated 8.10.2003 titled as "**Satnam Singh vs. K.K.Khumaresshan and others**"(Annexure P-1) as well as the summoning order dated 12.5.2004 passed therein qua the petitioner.

The aforesaid relief has been sought by the petitioner primarily on the ground that the learned Judicial Magistrate had summoned accused Nos.1 and 2 only whereas the petitioner, who was impleaded as accused No.3 in the complaint, was never summoned. However, subsequently, the complainant moved an application for furnishing correct address of the petitioner (accused No.3) and being under the erroneous impression as if he too had already been summoned, notice was sent to the petitioner as well.

The above-stated plea taken by the petitioner is not disputed by

learned counsel for the respondent, who fairly states that the petitioner was inadvertently got issued notice by the complainant. She, however, contends that the respondent-complainant has right to impugn the summoning order passed by the learned Judicial Magistrate to the extent whereby he had declined summoning of the petitioner.

With liberty to the respondent-complainant to impugn the summoning order to the extent of declining to summon the petitioner to face trial in the complaint, this petition is allowed and the application dated 26.5.2004 moved by the respondent-complainant is dismissed and the order dated 27.5.2004 passed thereupon by the learned Judicial Magistrate, Ist Class, Ludhiana, a copy of which has been appended as Annexure P-9, is hereby set aside.

April 23, 2007 **(SURYA KANT)**
poonam **JUDGE**